



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

**City of Warwick Planning Board
Staff Recommendations
December 8, 2021**

I. Call to Order

II. Meeting Minutes—Discussion and/or Action and/or Vote:

A. November 2021 Meeting Minutes

III. Applications -

A. **For discussion, consideration, and/or action - Continued review of proposed solar ordinance and comprehensive plan amendments.** Having incorporated Citizen recommendations from last month, there is a chance of bringing this process to a close, therefore we have included findings below which can serve as an advisory opinion for the City Council, should the Planning Board wish to act on a motion. Two separate motions could be executed first for the Comprehensive Plan amendments, then Zoning Ordinance as follows:

Comprehensive Plan – The Planning Board hereby finds in accordance with RIGL 45-22.2-8 subsection b, the following Comprehensive Plan amendments as they relate to solar development, in particular, placing solar within those parts of the City that are already developed either commercially, industrially, or residentially, are consistent with the following goals as outlined in Section C of RIGL 45-22.2-3:

(1) To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use, the availability of existing and proposed public and/or private services and facilities, and is consistent with available resources and the need to protect public health, including drinking water supply, drinking water safety, and environmental quality.

(5) To promote the preservation of the open space and recreational resources of each municipality and the state.

(6) To provide for the use of performance-based standards for development and to encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources, and achieving a balanced pattern of land uses.

(7) To promote consistency of state actions and programs with municipal comprehensive plans, and provide for review procedures to ensure that state goals and policies are reflected in municipal comprehensive plans and state guide plans.

(9) To ensure that municipal land use regulations and decisions are consistent with the Comprehensive Plan of the municipality, and to ensure state land use regulations and decisions are consistent with state guide plans.

(10) To encourage the involvement of all citizens in the formulation, review, and adoption, or amendment of the comprehensive plan.

Zoning ordinance – The Planning Board hereby finds in accordance with RIGL 45-24-52 Adoption; section 1, whereas the zoning amendments are consistent with the newly adopted Comprehensive Plan as follows:

Comprehensive plan – The proposed zoning ordinance is consistent Part I, Chapter 2, page 2.9, entitled The Community Speaks because new citizen engagement occurred during the process of amending the zoning ordinance to allow solar. The public supports preservation of remaining forest, farmlands, and open space from solar development which instead should be focused in developed commercial and industrial areas.

Part VI, Chapter 11 Sustainability and Resilience, Action Item 3, Page 11.16, Streamline and reduce barriers to green buildings and develop incentives to green construction by allowing solar canopies as an accessory use in commercial and industrial zones by building permit with extensive Planning or Zoning Board Review.

Part VI, Chapter 13 Stewardship and Implementation, Page 13.36. Policy D., Encourage private sector to augment fossil fuels with solar power on sites that are already developed. Action 2, states to provide regulations that encourage solar canopies and rooftop solar in existing commercial areas,

And, the and following purposes of zoning as presented in RIGL 45-24-30:

2. Provides for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
5. Providing for the protection of the natural, historic, cultural and scenic character of the city or town or areas in the municipality: and,
6. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space.

B. For discussion, consideration, and/or action – Public Hearing MLD Waterside @ Little Pond-Preliminary Approval

Project Scope:

The Applicant is seeking Preliminary Approval of a Major Land Development Project. The Applicant received a conditional Master Plan Approval at the regularly scheduled July 2021 Planning Board meeting and a City Council Zone Change at the August 30, 2021 meeting; to allow for the development of a (20) twenty-unit, multi-family residential, duplex-style development; with less than required front-yard setbacks, separation between buildings and parking within 15’ of a residential structure, in an A-10 Planned District Residential (PDR).

Planning Department Finding:

The Administrative Officer finds the proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City’s Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposed development is generally consistent with the Comprehensive Community Plan criterion that it be consistent with the surrounding area. The proximate land uses found in the immediate vicinity are single-family, multi-family, office and public recreation. The Planning Department also finds the proposed development to be consistent with: Chapter 12 of the City of Warwick Comprehensive Plan, specifically, the section entitled “*Future Land Use, Zoning and Urban Design: Goals and Policies*,” which promotes developments “*that are safe, attractive, well-maintained and stable... ones designed to “protect... and support...existing residential neighborhoods;”*”
 - It further promotes... “*Public and private development that meet high standards of design by ensuring that proposed new residential development is compatible with the character and of the surrounding area;”*
 - Chapter 7 of the City of Warwick Comprehensive Plan addresses Housing and Neighborhoods, specifically within its “*Recommendations*” section lists as *Goal 1*, the City should work to provide “*a wide range of quality housing choices to meet the diverse needs of households at all income levels and all stages of the life cycle, by supporting the addition of compact housing types such as townhouses, lofts, apartments, cottage developments...in suitable locations;”*
2. That the Project, has received a City Council Zone Change, PCO 20-21 to allow for the development of a (20) twenty-unit, multi-family residential, duplex-style development; with less than required front-yard setbacks, separation between buildings and parking within 15’ of a residential structure, in an A-10 Planned District Residential (PDR); therefore the project as presented meets the requirements of the City’s Zoning Ordinance.
3. That the project has received the following approvals: RIDEM Wetlands Permit No. 21-0219, RIPDES No. RIR102235, and UIC NO. 002058; therefore the project as presented will have no significant negative environmental impacts.

4. That the project as proposed will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
5. That the proposed project possesses adequate access along Sandy Lane.
6. That the development, as proposed, will have access to Municipal Water and Sewer.

Planning Department Recommendations:

Planning Department recommendation is to Preliminary Approval, with Final Approval by the Administrative Office, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Development Plan that shall comply with the *Rules and Regulations for Professional Land Surveyors*, Effective November 25, 2015.
2. That the Applicant shall submit a Final Development Plan that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001.
3. That all work shall be in accordance with RIDEM Approvals
4. That a soil erosion/sedimentation control permit shall be obtained from the Building Department, prior to commencement of any work on-site and shall be properly maintained and/or replaced as needed throughout construction.
5. That the Design Engineer, shall inspect the installation of the SWS and submit a certification that the construction substantially conform to the approved plans. Additionally, the Design Engineer shall prepare an as-built plan of the system, highlighting any significant deviations from the approved plan. Deviations from the approved plan shall require prior authorization from the approving authority.
6. That the Department of Public Works and the Condo/Homeowners Association shall be provided with an as-built plan and the Operations and Maintenance plan for the SWS.
7. That the Condo/Homeowner's Association shall be responsible for the long-term maintenance/operation of the SWS.
8. That the interior roadway shall be a private ROW which shall be maintained by the Condo/Homeowner's Association.

9. That prior to Final submission the Project Engineer shall coordinate with the City's Water Division and Sewer Authority regarding size and location of utilities.
10. That the Final Plan, shall note monumentation; all property corners shall be marked by permanent monumentation; one corner, at a minimum, shall be marked by a granite bound; existing monumentation shall be preserved and protected during construction.
11. That prior to Final Submission, the Applicant shall coordinate with the City's Landscape Project Coordinator regarding the Final Landscape Plan, which shall include but not be limited to:
 - Address planting between all driveways
 - Main entrance signage
 - Once land clearing is complete a meeting on-site shall be coordinated to determine if additional buffering shall be required.
 - The cottage to gazebo modifications shall be noted and approved on the landscape plan and all changes shall be completed, prior to the issuance of a CO.
12. That prior to Final Approval, the Applicant shall provide an improvement guarantee, as a condition of approval, for landscaping and monumentation.
13. That prior to a CO all landscaping and monumentation shall be installed, as noted on the Final Plan.

V. Adjournment